



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

NOV 17 2004

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Neal O. Turner
Elizabeth B. Turner

Gulfport, MS 39503-8283

RE: MUR 5366

Dear Mr. and Mrs. Turner:

The Federal Election Commission is the independent agency of the United States government that administers and enforces the Federal Election Campaign Act of 1971, as amended ("the Act"). During the normal course of its supervisory activities, the Commission became aware of information suggesting that you may have violated the Act regarding a contribution you made to John Edwards's presidential campaign.

On November 9, 2004, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred.

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Neal Turner
Elizabeth Turner
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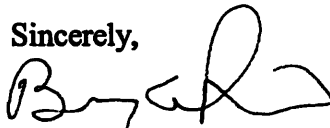
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Brant Levine, the attorney assigned to this matter, at (202) 694-1572.

Sincerely,



Bradley A. Smith
Chairman

Enclosures
Factual and Legal Analysis
Procedures
Designation of Counsel Form

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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

Respondents: Neal & Elizabeth Turner

MUR: 5366

I. INTRODUCTION

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). This information indicates that Neal and Elizabeth Turner may have violated the Federal Election Campaign Act of 1971, as amended, ("the Act"), by allowing their names to be used to make a contribution in the name of another to John Edwards's presidential campaign committee, Edwards for President ("the Edwards Committee").

II. FACTUAL AND LEGAL ANALYSIS

Neal and Elizabeth Turner contributed \$2,000 to the Edwards Committee on February 28, 2003.¹ Information obtained by the Commission shows that Neal Turner's brother, Tab Turner, paid for this contribution during a fundraising reception for Senator Edwards. This reception occurred in Little Rock, Arkansas, and was hosted by Tab Turner. According to a person who attended the fundraiser, an employee of the Edwards Committee asked Tab Turner for his credit card to effectuate the contribution for Neal and Elizabeth Turner. This Edwards Committee employee then filled out a donor card for Neal and Elizabeth Turner. The completed donor card lists Tab Turner's first initial and last name as the name on the credit card used for the contribution, but appears to be signed by Neal and Elizabeth Turner. The Commission has since received an unverified representation that the reason Tab Turner paid for Neal and Elizabeth

¹ The Edwards Committee refunded this contribution on July 23, 2003.

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Turner's contribution is because Tab owed Neal money for a boat that Tab previously agreed to buy from Neal.

Because Tab Turner appears to have paid for the contribution by Neal and Elizabeth Turner, further investigation is needed. The Act prohibits any person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect contributions in the name of another person, and from knowingly assisting in making such contributions. *See* 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii). An example of making a contribution in the name of another includes making a monetary contribution and attributing as the source of the money another person when in fact the contributor is the true source. *See* 11 C.F.R. § 110.4(b)(2)(ii). Therefore, there is reason to believe that Neal and Elizabeth Turner violated 2 U.S.C. § 441f.

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